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BOOK REVIEWS

THE PRINCIPLES OF LABOR LEGISLATION, by John R. Commons and John B. Andrews. (New York: Harper & Brothers, 1916, pp. x, 524.)

This is the first book in English to attempt a complete survey of the field of labor legislation and as a whole the work is well done. The authors have brought to their task unusual attainments: Professor Commons is an economist of repute who has been a member of the Wisconsin Industrial Commission and the United States Commission on Industrial Relations; Dr. Andrews, as secretary of the American Association for Labor Legislation and editor of *The American Labor Legislation Review* has watched, chronicled, and taken a part in, statutory action in the United States along the lines discussed by this book.

The arrangement of the work is logical and concise although not free from faults. After a chapter on "This Basis of Labor Law," the authors consider "Individual Bargaining." The most important questions with which there has been legislative interference are those relating to imprisonment for debt, wage exemptions, wage assignments, time and medium of payment ("truck" laws), mechanics' liens, agricultural tenancy, immigration, and protection against convict labor. The authors suggest that the laborer may perhaps be given more effective legal aid in his disputes by the establishment of industrial courts—*conseils de prud'hommes*—which exist in several forms on the continent but are not used in English speaking countries. Conciliation is their chief object; the procedure is informal, cheap, and rapid, and "wherever established, industrial courts are held indispensable, the fact that no dispute is too insignificant for them being regarded as a special advantage." It is possible that they may be modified to suit American conditions "through the enlightenment of public opinion and through practice in coöperation between employers and employees."

Chapter III deals with "Collective Bargaining" under four sub-headings: "The Law of Conspiracy"—strikes, boycotts, picketing, and the English and American decisions on labor disputes; "Mediation by the Government;" "Coercion by the Government," i. e., restrictions on strikes and lockouts and coercive intervention, and "Unions of Government Employees."

The next four chapters are devoted to as many large divisions of the field of labor legislation—the minimum wage; hours of labor for children, women, and men, and rest periods; unemployment and the various methods of reducing it; safety and health in different industries and social insurance against industrial accident, illness, old age, invalidity, and unemployment. One section deals with widows', mothers', and orphans' pensions. Under all these divisions there are clear statements of the history of the problem, of remedial legislation, together with some slight consideration of policy, and constitutionality under state bills of rights and the federal Constitution. Different laws in different countries are analysed and their relative merits are discussed.

"Notwithstanding all that has been said regarding the progress of

legislation for the protection of the workers, it is scarcely worth consideration if the laws are not enforced. More important than the hasty enactment of additional laws is the adoption of methods of administration that will enforce them," and the concluding chapter of this book is, therefore, devoted to a discussion of the problem of administration. The authors strongly advocate centralized administration under the direction of a commission. This "takes out of the legislature the intricate details of investigation, after the standards have been enacted into law. And, most important of all, it permits the creation of an inferior industrial legislature, composed of the real representatives and leaders of both interests [employers and employees], continually in session under state supervision and working upon those details of administration which, after all, are the actual substance of such legislation as is enforced."

The comprehensiveness of this book, while it precludes extended criticism, is itself responsible for the most conspicuous faults: an arrangement of material which it occasionally seems could have been improved upon and a necessary brevity on some subjects in order adequately to consider others. Thus, for example, the chapter on social insurance is too inclusive; insurance against unemployment could have been better treated in connection with the agencies used to reduce unemployment.

This, after all, is a matter of detail, but the second objection is the more serious. The authors seem to assume that all the measures they consider are advisable and that they should be passed by legislatures. The principles which are discussed by this book, therefore, relate almost exclusively to the content of the statutes and methods of administration. There is no attempt to determine any principles which should guide the legislature in its action. Perhaps the force of this criticism is taken away by an intention on the part of the authors to sketch only the history and details of legislative interference. If this be so, it may be said that the opening chapter of the work on "The Basis of Labor Law" is inadequate, dealing, briefly, almost summarily, with "The Labor Contract," "Individual Rights," and "Due Process of Law." Under these headings it is impossible to give any adequate discussion of the economic or ethical basis for labor legislation.

The book, nevertheless, deserves the highest praise for its comprehensiveness, its authority, and the clearness with which it is written. It is the first of the Harper's Citizens Series, in which will appear "Principles of Constitutional Government," by President Goodnow, and "Principles of American Diplomacy," by Professor John Bassett Moore. If these two volumes maintain the standard of the first, the series will be a valuable contribution to political thought.

LINDSAY ROGERS.

COMMENTARIES ON THE LAWS OF ENGLAND, by Sir William Blackstone.
Edited by William Cary Jones. (San Francisco: Bancroft Whitney
Company, 1915, pp. cxx, 2770.)

In his preparation of the present edition Professor Jones has made very wise and extensive use of the one edited by Professor William G.